

JOHN F. BROWN

IBLA 75-441

Decided August 11, 1975

Appeal from a decision of the Eastern States Office rejecting four filing cards for a simultaneous drawing for oil and gas leases and refusing to issue a refund of the filing fee.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Filing

Drawing entry cards for simultaneous oil and gas lease offers will be rejected and the filing fees retained where the applications are not made on the correct form.

APPEARANCES: John F. Brown, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

John F. Brown appeals from the refusal of the Eastern States Office, Bureau of Land Management, to refund four filing fees tendered in connection with four simultaneous drawing entry cards which were rejected because they were not on the correct form. 1/

Appellant filed on four parcels offered to oil and gas leasing pursuant to a March 17, 1975, announcement by the Eastern States Office. For each parcel, appellant used drawing entry card Form 3112-1 (June, 1973). According to appellant, after mailing these applications he became aware that the proper drawing entry card

1/ In his notice of appeal, John Brown purports to appeal on behalf of himself and one Pat Brown and one Dorothy Barton. John Brown does not, however, indicate any relationship between himself and these two individuals such as would allow him to appear on their behalf. See 43 CFR 1.3. Those appeals may be subject to summary dismissal. It is sufficient to note that in any case the disposition of these appeals, if acceptable, would be the same as in the instant case.

was Form 3112-1 (May, 1974). He thereupon contacted the Eastern States Office, which informed him that his cards had not been received, but that they would be rejected and the money retained for handling.

[1] Appellant's basic contention is that the Government should be estopped from retaining his filing fee since it had not informed him of the change in forms. He states "[i]n view of the fact I have put up a \$25.00 deposit to be put on the mailing list of the Department of the Interior, Bureau of Land Management, Eastern States Land [sic] Office, and this was the latest cards that were sent me, I assumed these were the cards to file on."

By notice published in the Federal Register on July 3, 1974 (39 F.R. 24523), the general public was informed that as of August 1, 1974, all simultaneous offers must be filed on Form 3112-1 (May, 1974). Furthermore, the March 17, 1975, Notice of Available Lands stated, in the second paragraph "Entries for the listed parcels must be submitted on the new white simultaneous oil and gas drawing card, Form 3112-1 (May, 1974)." Appellant can scarcely maintain reliance on an alleged failure of the Eastern States Office to inform him of the change when he does not take the trouble to read the Notice of Available Lands pursuant to which he is applying. As regards the fact that appellant contacted the Office prior to its receipt of the offers, we need only note that tardy recognition of his error did not obviate the necessity for the Eastern States Office to reject his cards, and recovery for the administrative handling thereof was clearly justified. Cf. Albert E. Mitchell, III, 20 IBLA 302 (1975).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques
Administrative Judge

I concur:

Frederick Fishman
Administrative Judge

I concur in the result:

Joseph W. Goss
Administrative Judge

